

## **Appendix D**

### **Sewer Extension Regulation (February 2016)**

## LUNENBURG SEWER EXTENSION REGULATION

### 1.0 PREFACE

All sewer extensions must conform to the Sewer Use Regulations of the Town of Lunenburg and to Section 4.0 of the Sewer By-law, adopted at Town Meeting May 2, 2009, and Chapter 185, of the Acts of 2010, AN ACT RELATIVE TO THE SEWER SERVICE AREA FOR THE TOWN OF LUNENBURG, referenced below:

#### SEWER EXTENSIONS

**Owners of parcels of land or portions of parcels of land located within the Sewer Service Area not presently served by sewer may extend the existing sewer system to serve such parcels only at the discretion of the Sewer Commission subject to available capacity and only if otherwise in compliance with law and with the conditions of all permits. See Article II, Building Sewers, Connections, and Extensions.**

**Prior to granting approval for any sewer extension, the Commission may require the applicant to supply, at his/her own cost and expense, maps, plans, reports, specifications and other data which properly describe proposed work.**

**Prior to the initiation of a Sewer Extension project in any Sewer Service Area as identified on the Sewer Service Area Map, and prior to submitting a Sewer Extension application to the Sewer Commission, the applicant shall notify the Sewer Commission of the Sewer Service Area affected and the Sewer Commission or its agent(s), shall survey such landowners to determine whether a minimum of two-thirds (2/3rds) of all affected owners support the installation of sewer service.**

**All development and construction shall be consistent with Article II of the Town of Lunenburg Sewer Use Regulations and shall be monitored in accordance with the Sewer Use Regulations of the Lunenburg Sewer Commission.**

**Upon approval, prior to commencement of work, the applicant shall be required to: (i) post bonds, undertakings, guaranties and insurance policies for the full amount of the project in forms and amounts acceptable to the Commission to guarantee completion of the proposed work and restoration; (ii) the applicant shall indemnify and save harmless the Town of Lunenburg and its officers, agents, servants and employees from damage or loss arising out of or in connection with the work and provide verification acceptable to the Sewer Commission of insurances; (iii) apply to the Massachusetts Department of Environmental Protection (“DEP”) for approval of the extension pursuant to DEP regulations and (iv) obtain from some or all of the owners to be served by the extension (as determined by the Sewer Commission) an executed and acknowledged covenant in form suitable for recording with the Northern Worcester County Registry of Deeds or filing with the Worcester Registry District of the Land Court to create a lien upon the property to be served to ensure collection of any privilege fee that may be assessed hereunder and to provide that the owner and the owner’s successor and assigns shall not seek an abatement of such privilege fee and acknowledges the validity of the privilege**

**fee, which covenant may state a maximum amount for the privilege fee to be assessed and such other terms and conditions as the Sewer Commission shall reasonably require.**

## **2.0 PURPOSE**

**The purpose of this regulation is to provide for the orderly development of wastewater systems to meet the needs of the citizens of Lunenburg within the Sewer Service Area. Please note that although an effort was made to make this document complete and reflective of Lunenburg requirements for new customers who wish to connect to the system, other regulations may be applicable. As a result, contact should be made with Lunenburg Department of Public Works officials administering this program on a continued basis to ensure familiarity and compliance with the most current policy standards and procedures prior to planning a sewer system extension. The Lunenburg Sewer Commission reserves the right to revise this regulation and other related policies.**

## **3.0 DEFINITIONS**

**Available Capacity - Available Capacity is flow that is available via inter-municipal agreement or other sources that has not been previously allocated by the Sewer Commission.**

**Engineer – A person registered as a Professional Engineer in good standing with the Massachusetts State Board of Registration for Professional Engineers and Land Surveyors.**

**Extension - Any sewer line lengthening required to connect a sewer service to a large main or sewer lateral to an outfall sewer or major trunk sewer.**

**Public Works – The Lunenburg Department of Public Works.**

**Sewer Service Area – The map approved by the Sewer Commission and by Town Meeting vote May 2, 2009 delineating the Sewer Service Area and Sewer Service Zones.**

**Sewer Service Zone - An area located within the Sewer Service Area and as shown on the Sewer Service Area Map.**

## **4.0 GENERAL REQUIREMENTS FOR ALL EXTENSIONS:**

- 1. No property, or portion of a property, located outside the Sewer Service Area shall be allowed to extend or construct a sanitary sewer.**

- 2. There must be sufficient available capacity to accommodate the proposed expansion.**

## **5.0 APPLICATION PROCESS**

- 1. Applicant(s) must submit a formal application to the DPW Director on a form approved by the Sewer Commission.**
- 2. The DPW Director, or his agent, shall make a site inspection to check topography, current manhole locations, etc. Following inspection the DPW Director or his agent shall provide a written recommendation to the Sewer Commission.**
- 3. The applicant shall notify the Sewer Commission of the Sewer Service Area affected and the Sewer Commission or its agent(s) shall have survey landowners to verify that a minimum of two-thirds (2/3rds) of all affected owners support the installation of the sewer extension.**
- 4. The Sewer Commission shall hold a hearing at which time the applicant(s) shall be given the opportunity to present their request to the Commission. Following said hearing the Sewer Commission shall make a determination as to whether they will consider an extension; the applicant shall be notified in writing.**
- 5. Extension approvals shall be valid for six months unless extended by a vote of the Sewer Commission.**
- 6. Any property connecting to the sewer system shall be required to pay a connection fee as determined by the Sewer Commission.**

## **6.0 GENERAL SPECIFICATIONS**

- 1. Sewer extensions shall be installed on the property they are to serve; no extension shall be allowed within an easement.**

- 2. Sewer lines must remain contiguous with the parcel that it serves. Frontage on the sewer way and point of connection must also be the point of access to the property.**
- 3. Only one residential/commercial parcel may connect to a sewer lateral.**
- 4. At full completion, as determined by the Sewer Commission, all main lines within the public way shall be owned by the Town of Lunenburg. The Town is responsible solely for the sewer main; not individual laterals.**
- 5. Substantial completion shall be determined by the Commission or its agent after successful completion of the required testing of the main and all structures (e.g. vacuum testing of manholes and air testing of sewer mains).**

#### **7.0 EXTENSION SUBMISSION REQUIREMENTS**

- 1. The applicant shall submit an engineered plan drawn by a registered professional engineer for review and approval by the Sewer Commission.**
- 2. The design must be designed and sized consistent with the build out plan of the Comprehensive Wastewater Management Plan for the zone in which the extension is proposed.**
- 3. The Sewer Commission may require peer review of the engineered plan submitted to be paid for by the applicant.**
- 4. The main shall be engineered to the mid line, at a minimum, of the frontage of the property to be served by the extension.**
- 5. The installer would be required to install the proposed new main consistent with current regulations, policies and guidelines as directed by an agent of the Sewer Commission.**

6. Upon approval and prior to commencement of any work, the applicant or his agent shall be required to post a performance and/or surety bond, undertakings, guaranties and insurance policies for not less than the full amount of the project in forms and amounts acceptable to the Commission to guarantee full completion of the proposed work and full restoration. The applicant shall indemnify and save harmless the Town of Lunenburg and its officers, agents, servants and employees from damage or loss arising out of or in connection with the work and provide verification of such insurances acceptable to the Sewer Commission. Guarantees shall be in place for a minimum of one year following substantial completion.
7. All Sewer Extension projects shall be completed as stated in the schedule provided by the applicant and approved by the Sewer Commission prior to commencing work. Any unreasonable or substantial delay shall be considered noncompliance with the Sewer Commission's approval.. Upon the Sewer Commission providing notice in writing of any unreasonable or substantial delay to any contractor, engineer, parties responsible for the construction of a sewer extension, the responsible party will have 10 days to bring the project up-to-date according to the schedule provided by the applicant. Any further delay may result in an execution of any bond for performance.

#### 8.0 PRIVATELY FUNDED EXTENSION

1. This Section shall apply only to extension(s) that are constructed by private parties and not by the Town of Lunenburg.
2. For such privately-funded extensions, the application shall be signed by all those property owners who have agreed to share proportionally in the cost of such extension; the applicant need not supply a signed petition verifying that a minimum of two-thirds (2/3rds) of all affected owners support the installation of a sewer extension, provided that, prior to construction, those owners who signed the application deliver to the Sewer Commission an executed and acknowledged covenant in form suitable for recording with the Northern Worcester County

- Registry of Deeds or filing with the Worcester Registry District of the Land Court to create a lien upon the property to be served to ensure collection of any fee that may be assessed hereunder and to provide that the owner and the owner's successor and assigns shall not seek an abatement of such fee and acknowledges the validity of the fee, which covenant may state a maximum amount for the fee to be assessed and such other terms and conditions as the Sewer Commission shall reasonably require.**
- 3. At any time after the extension has been accepted by the Sewer Commission, owners of any parcel abutting the side lines of the portion of the way within which the privately-funded extension is located shall have the right to connect to such extension, at their sole cost and subject to available capacity and subject to the requirement, prior to and as a condition of issuance of a sewer connection permit, to deliver a covenant as described in Section 8-2 above. All such abutting parcels whose owners or former owners who did not share in the cost of such extension shall be assessed a fee equal to the most recent preceding betterment amount assessed at the time of approval of a sewer connection application.**
  - 4. If the proposed privately-funded extension will not extend sewers to all of the remaining unsewered ways in the sewer service zone within which the extension is to be located, it must nevertheless be designed, in the determination of the Sewer Commission's engineers providing peer review of project design, with adequate size, materials, grade, appurtenances, so that it can be used to further extend sewer service to all of the remaining unsewered ways in such sewer service zone without modification to such privately-funded extension.**
  - 5. Notwithstanding such determination under Section 8-4 above of adequacy of design of such privately-funded extension to serve the remainder of the sewer service zone or notwithstanding that a waiver of the requirement for such determination may be granted, if circumstances change, including but not limited to changes in state or federal law or regulations, state or federal administrative or court order, changes in land use within the sewer service zone that require increased sewer capacity, changes in sewer service zone or sewer**

service area design such as from a grinder-pump and/or low-pressure gravity system to a gravity and/or high-pressure system, failure or deterioration of such extension, or a later finding that such determination was inaccurate, or if a waiver from such determination was granted, properties served by such extension may be assessed a betterment or privilege fee for their proportionate share of the cost to the Town, if any, of replacing, repairing or upgrading such extension or of their proportionate share of the cost to the Town, if any, of a wider-area extension serving the parcels served by such privately-funded extension and other parcels. In the event of such later assessment, those properties who were assessed either a 50% or 100% assessment as provided in Sections 8-2 or 8-3 above, shall be credited with that assessment against the portion of any such later betterment assessment or privilege fee that is intended to recover more than the cost to the Town of replacing, repairing or upgrading such extension or wider-area extension (i.e., that is intended to recover the sewer service area capital costs for which the prior betterment amount was assessed), which credit is intended to reflect that such properties will already have been assessed their share of prior sewer service area capital costs by means of such 50% or 100% assessment.

6. All of the provisions of this Sewer Extension Regulation that are not expressly modified by this Section for privately-funded extensions shall apply to such extensions and to connections thereto and to the assessment of all fees.

## 9.0 GENERAL

1. This Sewer Extension Regulation has been adopted pursuant to Section 10 of Chapter 83 of the General Laws and will take effect upon publication.
2. The Sewer Commission may waive any provision of this Sewer Extension Regulation for good cause shown, with or without a hearing.
3. For any hearings to be held under this Sewer Extension Regulation, no notice beyond that required under Sections 18-35 of General Laws Chapter 30A (the Open Meeting Law) is required.



## **10.0 PRIVILEGE FEES – SUBDIVIDED PARCELS AND PRIVATE EXTENSIONS TO PARCELS OUTSIDE A SEWER SERVICE ZONE**

- 1. Any parcel within the Sewer Service Area with at least 50 feet of frontage on an existing sewer line may connect to sewer subject to conditions stated within the Sewer Use Regulations.**
- 2. Private sewer extensions that do not have frontage on or at an existing sewer service zone may extend and connect at the discretion of the Sewer Commission, provided that the parcel is within the Sewer Service Area, conforms to the Lunenburg Protective Bylaw, Sewer Use Regulations, all town, state and federal laws.**
- 3. Privilege fees shall not apply to SEWER EXTENSIONS undertaken by the Town; rather assessed a betterment based on the amount of the entire project (SEE SEWER ASSESSMENT BYLAW).**
- 4. Private Sewer Extensions are the financial responsibility of the applicant.**
- 5. A privilege fee shall be assessed for each unit that is created by the subdividing of any parcel(s). If a property has been previously assessed a betterment, the betterment shall apply to only one residential unit. A privilege fee shall be assessed for each additional residential unit.**
- 6. The amount of the privilege fee for a single residence/commercial parcel shall be 50% of the most recent preceding betterment at the time the project has been accepted by the town. (SEE APPENDIX G, SEWER CONNECTION CHARGE POLICY and APPENDIX J, RESERVE CAPACITY FEE POLICY). Privilege fees are assessed at the time of acceptance and may not be apportioned without application and not for more than ten (10) years.**